

USSN: 10/825,635
Attorney Docket No. 2003B043B
Reply to Office Action of November 6, 2006
Response dated March 6, 2007

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REMARKS:

Applicants wish to thank the Examiner for the courtesies extended during the in-person interview of February 23, 2007. Reconsideration of this application is requested. Claims 1-44 are currently pending.

Claim Objections

Claim 20 was objected to for its use of the term "Soxhlet heptane." Applicants would like to clarify for the record that, as stated beginning on page 15, line 12 of the application, that a "Soxhlet heptane insoluble refers to one of the fractions obtained when a sample is fractionated using successive solvent extraction technique."

Double Patenting Rejections

Applicants respectfully submit that, due to the still-changeable nature of the claims, these rejections should be held in abeyance, e.g., until such point as the pending claims are allowable but for such double patenting rejections. At that juncture, Applicants will, if necessary, submit the appropriate terminal disclaimer(s) to obviate any then-pending double patenting rejections. Applicants respectfully submit that these rejections are not ripe for resolution until there are otherwise allowable claims in the instant case and allowed or issued claims in the cases to which terminal disclaimers are sought. Indeed, Applicants respectfully note that the MPEP instructs the Examiner to withdraw a provisional double patenting rejection in the earlier filed of two pending applications and to allow that earlier filed application to issue as a patent without a terminal disclaimer. See MPEP 804(D)(B)(1).

Rejection Under 35 U.S.C. § 102(a)

The Examiner has rejected claims 1-34 as anticipated by U.S. Publication No. 2002/0007033 to Karandinos, et al. (hereinafter "Karandinos"). Applicants respectfully traverse the rejection and request reconsideration.

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Anticipation requires a showing that each limitation of a claim is found in a single reference, either expressly or inherently. *Crown Operations Int'l Ltd. v. Solutia Inc.* 289 F.3d 1367, 1375-77 (Fed. Cir. 2002). The Examiner must offer evidence of literal presence or a reasoned explanation that every element of the claim is present in the cited prior art inherently. Applicants respectfully assert that the Examiner has not shown that all elements of each claim of the present invention are found in a single prior art reference.

Karandinos discloses a poly-alpha olefin inter-polymer that may be composed of A) from 60 to 94 % of units derived from one alpha mono-olefin having from 3 to 6 carbon atoms and B) from 6 to 40 mol % of units derived from one or more other mono-olefins having from 4 to 10 carbon atoms and at least one carbon atom more than A); and C) optionally from 0 to 10 mol % of units derived from another copolymerizable unsaturated hydrocarbon, different from A) and B).

Karandinos does not teach, and the Examiner does not address, what the present invention recites in claim 1 (from which all other claims depend), "a blend functionalized with a functional group." The Examiner does point out that Karandinos discusses the addition of additives. However, the disclosed additives are not necessarily functionalized, and Karandinos does not teach or suggest that they might be functionalized. Additionally, the Examiner has not addressed the claim 1 features of a C3 to C40 olefin polymer comprising at least 50 mol% of one or more C3 to C40 olefins, Dot T-Peel strength, nor many of the other claimed features such as heat of fusion (claim 2, *inter alia*) and melt viscosity (claims 5-8, *inter alia*). The Examiner has not shown that all the elements or features of the claims are present in Karandinos nor offered any evidence as to why the claimed features may be inherent.

Therefore, because the Examiner has not fulfilled her duty with respect to any of above-listed claims, Applicants respectfully request that the rejection be withdrawn.

Conclusion

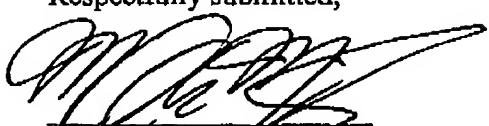
In light of the above, Applicants respectfully request reconsideration, withdrawal of the objections and rejections and allowance of the claims. Should the Examiner have any

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questions or if she believes it will expedite or assist her examination, she is invited and encouraged to telephone the undersigned attorney at her convenience.

Respectfully submitted,

3/6/07
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